



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,367	09/26/2003	Rami Caspi	2003P08217US	3045

7590 07/26/2006

Attn: Elsa Keller, Legal Administrator
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

MARSH, OLIVIA MARIE

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,367

Applicant(s)

CASPI ET AL.

Examiner

Olivia Marsh

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/26/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2617

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/22/2006 has been entered.

Response to Arguments

1. Applicant's arguments filed 5/22/2006 have been fully considered but they are not persuasive.

Regarding claims 1, 11 and 18, Applicant states "De Vries does not appear to defining presence and availability rules with respect to location boundary parameters, as generally recited in the claims at issue" (page 7, paragraph 5). The Examiner respectfully disagrees. Upon further inspection, the Examiner has determined De Vries discloses, as stated in the below rejection, a proximity parameter can have the form of a geographic distance threshold, e.g., a radius in miles or kilometers, within which the

Art Unit: 2617

people or resources must be located to be considered in proximity to the user; in alternative embodiments of the information service, the information service can employ a database or databases of detailed place information (e.g., place data 570), so as to allow proximity parameters, such as same city/town/neighborhood, same venue, same building, same room, and the like (column 9, lines 9-14). De Vries also discloses a user may only be interested in notification of the location of a person they see frequently if that person within a block or so, whereas they may wish to be notified if a close friend who lives in another country happens to be in the same city as the one they currently find themselves in (column 9, lines 27-31), both sections reading on claimed "said availability information defining parameters within location boundaries."

2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Such location boundary parameters can be independent of, for example, users' relative locations, thus potentially providing a more useful assessment of availability, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

Art Unit: 2617

application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 9-16, 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by De Vries (U.S. 6,968,179 B1).

As to claim 1, De Vries discloses systems and services to facilitate communication based on location and inter-relationships of people (column 1, lines 6-7). De Vries also discloses the place-specific buddy list information service 100 in an operating environment 102, reading on claimed "telecommunications system," of an illustrated embodiment of the invention is implemented in server application software run on a server computer or group of servers 104-106 connected on a distributed data communications network 10 (column 4, lines 45-46).

De Vries also discloses the personal mobile data communications devices 120-123 and/or the data communications network 110 also are equipped with location detecting capability to determine the locations of the individual personal mobile devices, so as to thereby infer the position of their users (column 5, lines 20-25). De Vries also discloses this location detection capability can be provided by equipping the individual personal mobile data communications devices 120-123 with a Global Positioning System (GPS) receiver, which detects the personal mobile communications device's location based on signals transmitted from GPS transmitters (column 5, lines 25-30), reading on claimed "a plurality of network clients including a positioning controller." De Vries also discloses these mobile devices communicate with the information service on the data communications network 110 through a wireless networking and communications system (e.g., including wireless transmission/reception towers 126-127) (column 4, lines 65-67; column 5, lines 1-2), reading on claimed "a radio data network communications controller."

De Vries also discloses the inference engine 200 is realized in software running on the server computers 104-106 (FIG. 1), reading on claimed "presence server," and utilizing the people/place information in the database 112 (FIG. 1) (column 6, lines 5-8), reading on claimed "positioning server." De Vries also discloses the inference engine 200 operates to infer which resources 210 (i.e., principally people, both individuals and groups, but also locale-specific data, services, devices, and etc.) tracked by the service may be of interest to a user given that user's "place context" 220 (i.e., the user's location, but also optionally including other place-specific information such as whether the place is the user's home or place of work, etc.) (column 6, lines 8-15). De Vries also discloses the inference engine 200 processes information from the people/place database 112 to produce these inferences for both user-initiated searches and notifications triggered by events other than user requests (e.g., change in location of the user or of people on the user's buddy list) (column 6, lines 15-20), reading on claimed "a positioning server including a coordinating controller for maintaining a database of network client to be tracked and provide updates of position-related information to a presence server."

De Vries also discloses the locations of the personal mobile data communications devices 120-123 are reported to or polled by the information service 100, which uses this information to track the location of the devices' users in the people/place database 112 and the personal mobile data communications devices' locations can be reported to the information service at periodic intervals, or alternatively may be reported whenever the location changes by a significant threshold amount (column 5, lines 43-50), reading on claimed "wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said radio data network communications controller."

De Vries also discloses when a change to the buddy C's location or other presence information (e.g., availability) occurs, the buddy C presence server sends a notification to all that have subscribed, including to the user A; this then updates the buddy C place context 322 in the user A people/place state 300, which may result in alerts being presented to the user A (column 7, lines 67; column 8, lines 1-5), reading on claimed "wherein said presence server is configured to transmit to said plurality of network clients availability information defining where said plurality of network clients may be contacted correlated with said position information."

De Vries also discloses this proximity parameter can have the form of a geographic distance threshold, e.g., a radius in miles or kilometers, within which the people or resources must be located to be considered in proximity to the user; in alternative embodiments of the information service, the information service can employ a database or databases of detailed place information (e.g., place data 570), so as to allow proximity parameters, such as same city/town/neighborhood, same venue, same building, same room, and the like (column 9, lines 9-14). De Vries also discloses a user may only be interested in notification of the location of a person they see frequently if that person within a block or so, whereas they may wish to be notified if a close friend who lives in another country happens to be in the same city as the one they currently find themselves in (column 9, lines 27-31), **reading on claimed "said availability information defining parameters within location boundaries."**

As to **claim 2**, De Vries discloses everything as applied in claim 1 and De Vries also discloses these mobile devices communicate with the information service on the data communications network 110 through a wireless networking and communications system (e.g., including wireless transmission/reception towers 126-127) (column 4, lines 65-67; column 5, lines 1-2), reading on claimed "plurality of network clients is adapted to

Art Unit: 2617

receive positioning database related updates via said data network communications controller."

As to **claim 3**, De Vries discloses everything as applied in claim 1 and De Vries also discloses users of the information service 100 access the information service from mobile personal networked computing or telecommunications devices 120-123, such as cell phones (column 4, lines 61-62), reading on claimed "radio data network communications controller comprises a cellular data network controller for transmitting on a cellular telephone data network to said positioning server."

As to **claim 5**, De Vries discloses everything as applied in claims 1 and 3 and De Vries also discloses this location detection capability can be provided by equipping the individual personal mobile data communications devices 120-123 with a Global Positioning System (GPS) receiver, which detects the personal mobile communications device's location based on signals transmitted from GPS transmitters (column 5, lines 25-28), reading on claimed "positioning controller receives global positioning network signals for determining a position of an associated network client."

As to **claim 9**, De Vries discloses everything as applied in claims 1 and 3 and De Vries also discloses the inference engine 200 is realized in software running on the server computers 104-106 (FIG. 1), and utilizing the people/place information in the database 112 (FIG. 1) (column 6, lines 5-8). De Vries also discloses the inference engine 200 operates to infer which resources 210 (i.e., principally people, both individuals and groups, but also locale-specific data, services, devices, and etc.) tracked by the service may be of interest to a user given that user's "place context" 220 (i.e., the user's location, but also optionally including other place-specific information such as whether the place is the user's home or place of work, etc.) (column 6, lines 8-15). De Vries also discloses the inference engine 200 processes information from the

Art Unit: 2617

people/place database 112 to produce these inferences for both user-initiated searches and notifications triggered by events other than user requests (column 6, lines 16-19), reading on claimed "presence sever maintains a database of location and presence correlation pairs for registered users and receives location updates from said positioning server."

As to **claim 10**, De Vries discloses everything as applied in claims 1 and 3 and De Vries also discloses in a notification operation, the locations of the user and those on the user's buddy list(s) again are tracked in the people/place state data 300 associated with that user in the database 112 (column 8, lines 28-31). De Vries also discloses upon an update to the people/place state data 300 in which the relative locations of the user and/or those on the user's buddy list(s) change, the information service 100 determines which people are in the user's proximity based on the notification parameters at 502, and then formulates and transmits a notification message to the user at 503 (column 8, lines 31-38), reading on claimed "said positioning server maintains a database of location and presence correlation pairs for registered users and provides presence updates to said presence server."

As to **claim 11**, De Vries discloses systems and services to facilitate communication based on location and inter-relationships of people (column 1, lines 6-7). De Vries also discloses users of the information service 100 access the information service from mobile personal networked computing or telecommunications devices 120-123 (column 4, lines 60-62), reading on claimed "a telecommunications device."

De Vries also discloses the personal mobile data communications devices 120-123 and/or the data communications network 110 also are equipped with location detecting capability to determine the locations of the individual personal mobile devices, so as to thereby infer the position of their users (column 5, lines 20-25). De Vries also

Art Unit: 2617

discloses this location detection capability can be provided by equipping the individual personal mobile data communications devices 120-123 with a Global Positioning System (GPS) receiver, reading on claimed "positioning controller," which detects the personal mobile communications device's location based on signals transmitted from GPS transmitters (column 5, lines 25-30), reading on claimed "a positioning controller adapted to determine positioning information for said telecommunications device."

De Vries also discloses these mobile devices communicate with the information service on the data communications network 110 through a wireless networking and communications system (e.g., including wireless transmission/reception towers 126-127) (column 4, lines 65-67). De Vries also discloses the place-specific buddy list information service 100 in an operating environment 102 of an illustrated embodiment of the invention is implemented in server application software run on a server computer or group of servers 104-106, reading on claimed "associated server," connected on a distributed data communications network 10 (column 4, lines 45-50). De Vries also discloses the locations of the personal mobile data communications devices 120-123 are reported to or polled by the information service 100, which uses this information to track the location of the devices' users in the people/place database 112 (column 5, lines 43-47), reading on claimed "a wireless data network controller adapted to receive said positioning information from said positioning controller and cause said positioning information to be transmitted to an associated server."

De Vries also discloses when a change to the buddy C's location or other presence information (e.g., availability) occurs, the buddy C presence server sends a notification to all that have subscribed, including to the user A; this then updates the buddy C place context 322 in the user A people/place state 300, which may result in alerts being presented to the user A (column 7, line 67; column 8, lines 1-5), reading on

Art Unit: 2617

claimed "and receive availability information defining where a plurality of other network clients may be contacted correlated with associated position information."

De Vries also discloses this proximity parameter can have the form of a geographic distance threshold, e.g., a radius in miles or kilometers, within which the people or resources must be located to be considered in proximity to the user; in alternative embodiments of the information service, the information service can employ a database or databases of detailed place information (e.g., place data 570), so as to allow proximity parameters, such as same city/town/neighborhood, same venue, same building, same room, and the like (column 9, lines 9-14). De Vries also discloses a user may only be interested in notification of the location of a person they see frequently if that person within a block or so, whereas they may wish to be notified if a close friend who lives in another country happens to be in the same city as the one they currently find themselves in (column 9, lines 27-31), **reading on claimed "said availability information defining parameters within location boundaries."**

As to **claim 12**, De Vries discloses everything as applied in claim 11 above and De Vries also discloses this location detection capability can be provided by equipping the individual personal mobile data communications devices 120-123 with a Global Positioning System (GPS) receiver, reading on claimed "positioning controller," which detects the personal mobile communications device's location based on signals transmitted from GPS transmitters (column 5, lines 25-30), reading on claimed "said positioning controller receives Global Positioning System (GPS) signals to determine said positioning information."

As to **claim 13**, De Vries discloses everything as applied in claims 11 and 12 above and De Vries also discloses the information service 100 preferably supports a variety of service parameters 550 to control the people and place-based information

Art Unit: 2617

provided by the information service in searches and notifications (column 8, lines 41-45).

De Vries also discloses the parameter settings for a user can be stored by the information service 100 in the database 112, or alternatively can be stored in a "cookie" or like client-side storage in the user's personal mobile data communications device or can be stored as settings for a client software application (column 8, lines 60-65). De Vries also discloses one such parameter sets a proximity threshold within which people (or other resources 210 of FIG. 2) are to be considered proximate to the user by the information service for purposes of responding to a search or providing notifications (column 9, lines 1-5) and the information service, the information service can employ a database or databases of detailed place information (e.g., place data 570), so as to allow proximity parameters, such as same city/town/neighborhood, same venue, same building, same room, and the like (column 9, lines 9-14), reading on claimed "a rules database of location and presence related information."

As to **claim 14**, De Vries discloses everything as applied in claims 11 and 12-13 above and De Vries also discloses the locations of the personal mobile data communications devices 120-123 are reported to or polled by the information service 100, which uses this information to track the location of the devices' users in the people/place database 112 (column 5, lines 43-47). De Vries also discloses additionally, the user may provide location information by direct input, for example by entering (by speech, text, or bar-code or other machine readable data scanning) an intersection or venue name or other location-identifying information (column 5, lines 38-41), reading on claimed "wireless data network controller transmits changes to location and presence status to said associated server."

As to **claim 15**, De Vries discloses everything as applied in claims 11 and 12-13 above and De Vries also discloses the locations of the personal mobile data

Art Unit: 2617

communications devices 120-123 are reported to or polled by the information service 100, which uses this information to track the location of the devices' users in the people/place database 112 (column 5, lines 43-47), reading on claimed "wireless data network controller transmits changes to location status to said associated server."

As to **claim 16**, De Vries discloses everything as applied in claims 11 and 12-13 above and De Vries also discloses the information service 100 also supports place-dependent parameter settings 560 and depending upon the user's location, the information service may impose particular place-specific notification and search parameter settings (column 10, lines 20-24), reading on claimed "wireless data network controller receives updates to said rules database from said associated server."

As to **claim 18**, De Vries discloses systems and services to facilitate communication based on location and inter-relationships of people (column 1, lines 6-7), reading on claimed "telecommunications method." De Vries also discloses the inference engine 200 is realized in software running on the server computers 104-106 (FIG. 1), reading on claimed "local controller," and utilizing the people/place information in the database 112 (FIG. 1) (column 6, lines 5-8). De Vries also discloses the inference engine 200 operates to infer which resources 210 (i.e., principally people, both individuals and groups, but also locale-specific data, services, devices, and etc.) tracked by the service may be of interest to a user given that user's "place context" 220 (i.e., the user's location, but also optionally including other place-specific information such as whether the place is the user's home or place of work, etc.) (column 6, lines 8-15). De Vries also discloses the inference engine 200 processes information from the people/place database 112 to produce these inferences for both user-initiated searches and notifications triggered by events other than user requests (column 6, lines 16-19),

Art Unit: 2617

reading on claimed "receiving one or more user positioning and presence correlation rules at a local controller."

De Vries also discloses the information service 100 also supports notification operations 500 and in a notification operation, the locations of the user and those on the user's buddy list(s) again are tracked in the people/place state data 300 associated with that user in the database 112 (column 8, lines 28-31), reading on claimed "said positioning and presence correlation rules defining an availability of a user at a plurality of user devices or media depending on a detected location of a user."

De Vries also discloses upon an update to the people/place state data 300 in which the relative locations of the user and/or those on the user's buddy list(s) change, the information service 100 determines which people are in the user's proximity based on the notification parameters at 502, and then formulates and transmits a notification message to the user at 503 (column 8, lines 31-38), reading on claimed "transmitting said one or more positioning and presence correlation rules over a wireless data communications network to a remote device."

De Vries also discloses this proximity parameter can have the form of a geographic distance threshold, e.g., a radius in miles or kilometers, within which the people or resources must be located to be considered in proximity to the user; in alternative embodiments of the information service, the information service can employ a database or databases of detailed place information (e.g., place data 570), so as to allow proximity parameters, such as same city/town/neighborhood, same venue, same building, same room, and the like (column 9, lines 9-14). De Vries also discloses a user may only be interested in notification of the location of a person they see frequently if that person within a block or so, whereas they may wish to be notified if a close friend who lives in another country happens to be in the same city as the one they currently

Art Unit: 2617

find themselves in (column 9, lines 27-31), **reading on claimed "said positioning and presence correlation rules defining parameters within location boundaries."**

As to **claim 19**, De Vries discloses everything as applied in claim 18 above and De Vries also discloses this location detection capability can be provided by equipping the individual personal mobile data communications devices 120-123 with a Global Positioning System (GPS) receiver, which detects the personal mobile communications device's location based on signals transmitted from GPS transmitters (column 5, lines 25-30), reading on claimed "receiving positioning updates at said remote device."

De Vries also discloses the locations of the personal mobile data communications devices 120-123 are reported to or polled by the information service 100, which uses this information to track the location of the devices' users in the people/place database 112 (column 5, lines 43-47). De Vries also discloses the personal mobile data communications devices' locations can be reported to the information service at periodic intervals, or alternatively may be reported whenever the location changes by a significant threshold amount (column 5, lines 47-50). De Vries also discloses the interval and/or threshold amount are parameters that may vary depending on the design criteria of the application, or system (column 5, lines 50-53), reading on claimed "transmitting positioning updates to said local controller via said wireless data communications network as specified in said one or more positioning and presence correlation rules."

As to **claim 20**, De Vries discloses everything as applied in claim 18-19 above and De Vries also discloses the inference engine 200 operates to infer which resources 210 (i.e., principally people, both individuals and groups, but also locale-specific data, services, devices, and etc.) tracked by the service may be of interest to a user given that user's "place context" 220 (i.e., the user's location, but also optionally including other

Art Unit: 2617

place-specific information such as whether the place is the user's home or place of work, etc.). De Vries also discloses the place context is a set of attributes based on a user's location; along with information of the user's location, the attributes may include user persona/task/preferences/etc., applicable social circle, available devices, networks and services and so on (column 6, lines 27-31), reading on claimed "said receiving one or more user positioning and presence correlation rules comprises receiving at a server including a local controller one or more rules set via a network interface device operably coupled to said local controller."

As to **claim 21**, De Vries discloses everything as applied in claim 18-20 above and De Vries also discloses this location detection capability can be provided by equipping the individual personal mobile data communications devices 120-123 with a Global Positioning System (GPS) receiver, which detects the personal mobile communications device's location based on signals transmitted from GPS transmitters (column 5, lines 25-30), reading on claimed "said receiving positioning updates comprises receiving one or more signals from a global positioning network."

As to **claim 22**, De Vries discloses everything as applied in claim 18-19 above and De Vries also discloses the locations of the personal mobile data communications devices 120-123 are reported to or polled by the information service 100, which uses this information to track the location of the devices' users in the people/place database 112 (column 5, lines 43-47), reading on claimed "transmitting positioning updates from said remote device to one or more servers via said wireless data communications network."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4, 17, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries as applied to claims 1, 11, and 18 above, and further in view of well known prior art (MPEP 2144.03).**

As to **claims 4, 17, and 23**, De Vries discloses everything as applied in claims 1, 11, and 18 above and De Vries also discloses these mobile devices communicate with the information service on the data communications network 110 through a wireless networking and communications system (column 4, lines 65-67; column 5, line 1). However, De Vries fails to specifically disclose said radio data network communications controller comprises at least one of a CDPD controller, an SMS controller a WiFi controller, or a two-way radio controller. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well-known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention to a mobile device to possess a CDPD, SMS, WiFi, or two-way controller/receiver in order to communicate with the associated wireless communication system serving the mobile device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, device, and method and radio data network communications controller, disclosed by De Vries, radio data network communications

Art Unit: 2617

controller comprises at least one of a CDPD controller, an SMS controller a WiFi controller, or a two-way radio controller, as taught by well known prior art, in order for the mobile device to operate on a variety of wireless data communication systems.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries as applied to claims 1 and 3 above, and further in view of Yugami (U.S. 2003/0027583 A1).

As to **claim 2**, De Vries discloses everything as applied in claims 1 and 3; however, De Vries fails to disclose positioning server includes an e-mail message generator for communicating said updates to said presence server. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Yugami.

In the same field of endeavor, Yugami teaches an invention that relates to a mobile terminal device having a position information detection function and a method for notifying a base station of the position information (para. 2). Yugami also teaches the GPS unit 16 measures the current position of the mobile terminal device 10, and reads the current position information and the control unit 12 transmits the read data of the current position information as an e-mail message to an e-mail address, which is stored in the memory 13 in advance; then the control unit 12 transmits the e-mail message via the radio unit 11 (para. 21), reading on claimed "positioning server includes an e-mail message generator for communicating said updates to said presence server."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunication system and the positioning server, disclosed by De Vries, the positioning server includes an e-mail message generator for communicating said updates to said presence server, as taught by Yugami, to obtain

Art Unit: 2617

position information of the mobile user at arbitrary times and to output the obtained position information to an external device.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries as applied to claims 1 and 3 above, and further in view of Greene (U.S. 2002/0077080 A1).

As to claim 7, De Vries discloses everything as applied in claims 1 and 3; however, De Vries fails to disclose the positioning server includes an Instant Messaging message generator for communicating said updates to said presence server. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Greene.

In the same field of endeavor, Greene teaches a system for tracking the status and location of users of wireless devices and more particularly to a tracking system making use of the Internet and instant message (IM) technology (para. 1). Greene also teaches each wired or wireless device 11, 13 provides the capabilities to communicate with each other over the Internet including communicating IM messages amongst the wired or wireless device 11, 13 via an IM server 19 (para. 15) and the wireless device 13 can repeatedly send position data to the IM server 19, which translates the position data into location tags and sends status update messages to the other wired or wireless devices 11, 13 (para. 19), reading on claimed "positioning server includes an Instant Messaging message generator for communicating said updates to said presence server."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunication system and the positioning server, disclosed by De Vries, the positioning server includes an Instant Messaging message

Art Unit: 2617

generator for communicating said updates to said presence server, as taught by Greene, in order to provide accurate and current location data for the mobile user to other applications and user within the wireless communication system.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries as applied to claims 1 and 3 above, and further in view of Watanabe *et al* (U.S. 2004/0203894 A1).

As to claim 8, De Vries discloses everything as applied in claims 1 and 3; however, De Vries fails to disclose the positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Watannabe.

In the same field of endeavor, Watannabe teaches sending a single message to a paging location update server that updates the location of the mobile terminal and a domain area associated with the application (para. 11). Watannabe also teaches [para. 58]:

The paging location update server 48 determines whether the L2 paging area is the same as the associated paging area to which the mobile terminal 24 is currently being associated or connected per step 100. If the areas are not the same then the process is repeated. If the areas are the same, then the current L2 location update and the current SIP address are sent to the paging location update server 48 per step 102. After the addresses are sent to the server 48, the server 48 determines if the current SIP domain area of the mobile terminal 24 is the same as the SIP domain area of the mobile terminal 24 where the L2 paging area is updated per step 104. If they are the same, then no action is necessary

Art Unit: 2617

per step 106 since the SIP domain address is not updated. If the SIP domain area is not the same, then the server 48 sends a new SIP location of the mobile terminal 24 to a current SIP location server 62 where the mobile terminal 24 is located per step 108. *Reading on claimed "positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server."*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunication system and the positioning server, disclosed by De Vries, the positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server, as taught by Watannabe, to enable the network to keep track of the location of every attached mobile terminal with the accuracy of a geographical location area that is the same as the cellular network.

Art Unit: 2617


Conclusion

1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CHARLES APPIAH
PRIMARY EXAMINER